IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.23 OF 2006

Shri.Prakash Gopal Dixit ...Appellants

Versus

Sonali Prakash Dixit & Anr. ...Respondents

.....

Mr.Priten Killedar for Appellants.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 1, 2006.

P.C.

1. My predecessor allowed Civil Application No.1078 of 2005 condoning delay of 49 days in filing the Appeal, on condition that the Appellants to pay cost quantified at Rs.1,000/- (Rupees One Thousand) to the Maharashtra State Legal Services Authority within two weeks from the date of that order.

2. According to the office note, cost has not

been paid till now. Counsel for the Appellants accepts this position. As the order passed on 3rd October 2005 was conditional order, it necessarily follows that for non-compliance of that order, the application for condonation of delay will have to be treated as dismissed. In that case, nothing survives for consideration in the present Appeal. Papers of the present Appeal be consigned to the record.

A.M.KHANWILKAR, J.